



**FOR CLERK USE ONLY**  
 City Council  
 Item No. 7

## CITY COUNCIL AGENDA FACT SHEET

Community Development

Department

August 3, 2010

Requested Date

**1. Request:**

Council Approval

☒

Information Only/  
Presentation

☐

Other (specify)

☐

Hearing

☐

**2. Requested Action:**

Adopt Zoning Ordinance text Amendment No. 2009-02 (Sign Ordinance Update) by title only, waive full reading or ordinance repealing various sections of the Municipal Code pertaining to signs and replacing them with a new Updated Sign Ordinance (zoning Ordinance Text Amendment No. 2009-02)

**3. Fiscal Impact:**

Revenue:

Increase

☐

Source:

Decrease

☐

Amount:

Cost:

Increase

☐

Source:

Decrease

☐

Amount:

Does Not Apply ☒

**4. Reviewed By:**

Finance Dept. on

By:

Comments:

City Attorney on

By:

Comments:

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

**CLERK USE ONLY:**

CITY COUNCIL DATE:

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other(specify)

☐


Reviewed by: City Clerk

Date

City Manager

Date

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO REPEALING CHAPTER 15.28 AND CHAPTER 15.30 OF TITLE 15, AND CHAPTER 12.14 OF TITLE 12 IN THEIR ENTIRETY; REPEALING SECTION 5.56.090 OF CHAPTER 5.56 AND SECTION 5.20.190 OF CHAPTER 5.20 OF TITLE 5 OF THE CALEXICO MUNICIPAL CODE; REPEALING ARTICLE XI OF CHAPTER 17.01, SECTIONS 17.01.1100 AND 17.01.1110, AND ADDING A NEW ARTICLE XI, OF CHAPTER 17.01 SECTIONS 17.01.1100 TO 17.01.1123 TO THE CALEXICO MUNICIPAL CODE (ZONING ORDINANCE TEXT AMENDMENT NO. 2009-02) PERTAINING TO SIGNS.**

**WHEREAS**, The City Council wishes to repeal Chapter 15.28 and Chapter 15.30 of Title 15, and Chapter 12.14 of Title 12 in their entirety; repealing Section 5.56.090 of Chapter 5.56 and Section 5.20.190 of Chapter 5.20 of Title 5 of the Calexico Municipal Code; repealing Article XI of Chapter 17.01, Sections 17.01.1100 and 17.01.1110, and adding a new Article XI, of Chapter 17.01 Sections 17.01.1100 to 17.01.1123 to the Calexico Municipal Code; and

**WHEREAS**, a public hearing was held on Zoning Ordinance Text Amendment No. 2009-02, on March 2, 2010 and July 20, 2010 in the Council Chambers, 608 Heber Avenue, Calexico, California; and

**WHEREAS**, public hearing was advertised according to law; and

**WHEREAS**, no one was present to object to the petition nor were any objections filed with the Commission; and

**WHEREAS**, proposed amendment is in conformity with the General Plan, map and text, and other development policies of the City; and

**WHEREAS**, proposed amendment is appropriate for the property or properties which will be affected by such action, with consideration given to access, size of parcel(s), relationship to similar or related uses and other considerations deemed relevant by the Commission; and

**WHEREAS**, proposed amendment is necessary and proper at this time, and is not likely to be detrimental to property or residents affected by such action; and

**WHEREAS**, proposed amendment would not have a significant deleterious effect on the environment; and

**WHEREAS**, Negative Declaration No. 2009-03 was prepared and considered for the proposal pursuant to the C.E.Q.A. Guidelines, as amended and

**WHEREAS**, proposed amendment does not have the potential to have a significant environmental effect; and

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WHEREAS, proposed amendment could not adversely affect the general health, safety and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO HEREBY ORDAINS AS FOLLOWS:

**SECTION 1.** Chapter 15.28 Signs and 15.30 Uniform Sign Code is hereby repealed in its entirety. *(Please note that strikethrough represent areas of the Municipal Code requested to be repealed by this ordinance)*

SIGNS

~~15.28.010 Specifications.~~

~~It is unlawful for any person, firm or corporation to construct or maintain any sign in the city unless such sign conforms to the following specifications:~~

- ~~A. Generally. A wooden or metal sign not more than three feet in width with a black, blue, gold, silver or white background and carrying in white, blue, silver or gold letters the name of any person, firm or corporation and his or its business only, consisting of not more than two straight lines, may be bolted horizontally and securely to the front or arcade of the building.~~
- ~~B. Standard Chain Store Signs. Any person, firm or corporation operating stores in other cities and the city of Calexico, for which stores said persons, firms or corporations have adopted a uniform standard of sign, or a uniform color scheme for such signs, or a sign embracing a trademark uniformly used as stated in this subsection, may erect such standard sign. Said sign shall, however, be of wood or metal not more than three feet in width and bolted securely and horizontally to said building as stated in subsection A of this section.~~
- ~~C. Projection from Building or Arcade. No part of any sign referred to in this section shall project more than six inches beyond the wall of any building or arcade.~~
- ~~D. Illumination. Such signs may be illuminated or not.~~
- ~~E. Height. The lower edge of such signs shall be one foot above the bottom edge of the arcade or second story wall. (Prior code §§ 7532, 7532.1)~~

~~15.28.020 Restrictions on painted signs.~~

~~It is unlawful for any person, firm or corporation to place, maintain or cause to be placed or maintained any painted sign on the arcade of any building, or upon any part or portion of a building projecting over the sidewalk, unless such painted sign is limited to the name of the business and to not more than two words indicating or descriptive of the type of such business. (Prior code § 7531)~~

~~15.28.030 Vertical electrical signs--Projection restrictions.~~

~~Vertical electrical signs may be fastened to buildings or arcades, provided:~~

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~~A. When over the sidewalk, that no point of the same shall come within ten feet of the sidewalk elevation; \_\_\_\_\_ and~~

~~B. When over the street, that they shall not project more than forty-eight inches from the building or column at any point, and that no point shall come within ten feet of the elevation of the street. (Prior code § 7532.2)~~

~~15.28.040 Horizontal electrical signs—Projection restrictions—Conformance required.~~

~~Horizontal electrical signs may be placed, erected or constructed from the outer wall of any building, across the sidewalk, or extend over any public street or way, provided they conform in every particular to the provisions set out in Sections 15.28.050 through 15.28.110. (Prior code § 7231)~~

~~15.28.050 Horizontal electrical signs—Permit—Required.~~

~~No horizontal electrical sign of any kind shall be placed, erected or constructed until a permit is issued for the same by the building inspector. (Prior code § 7232)~~

~~15.28.060 Horizontal electrical signs—Permit—Diagram or sketch.~~

~~Before issuing any permit for any horizontal electrical sign, there shall be filed with the building inspector a diagram or sketch of the proposed sign, showing the dimensions thereof, the weight thereof, and the character and size of the fastenings by which said sign is to be secured from the building from which it is to be suspended or projected. (Prior code § 7233)~~

~~15.28.070 Horizontal electrical signs—Permit—Specifications.~~

~~Permits issued by the building inspector for horizontal electrical signs shall contain a brief description of the proposed sign, the number and size of the fastenings and the quality and kind of material to be used for the fastenings, which shall be specified by him to be used. (Prior code § 7234)~~

~~15.28.080 Horizontal electrical signs—Projection restrictions—Height and centering.~~

~~No horizontal electrical sign shall be placed, erected or suspended across any sidewalk so that the lower edge thereof is less than ten feet above the level of said sidewalk, and such electrical sign must be placed so that the centerline of the sign is at the centerline of the arcade ceiling. (Prior code § 7235)~~

~~15.28.090 Horizontal electrical signs—Projection restrictions—One-story buildings.~~

~~A. Extending over Street. No horizontal electrical sign shall be placed, erected or suspended from any building in the city so as to extend over or across any public street, alley or way; except that a horizontal electrical sign may be placed, erected or suspended from any one-story building located on any paved street in the city.~~

~~B. Maximum Projection over Street. Any such horizontal electrical sign shall not extend more than six feet over such public street from a wall from which the sign is suspended.~~

~~C. Height above Street. The lowest portion of any such horizontal electrical sign shall not be less than fourteen feet above the level of the public street from which such sign is placed, erected or suspended. (Prior code §§ 7236, 7236.1)~~

~~15.28.100 Horizontal electrical signs--Projection restrictions--Two-story buildings.~~

- ~~A. Placement Permitted. A horizontal electrical sign may be placed, erected or suspended from any two-story building located on any paved street in the city.~~
- ~~B. Maximum Projection over Street. Any such horizontal electrical sign shall not extend more than twelve feet over such public street from the wall from which the sign is suspended.~~
- ~~C. Height above Street. The lowest portion of any such horizontal electrical sign shall not be less than fourteen feet above the level of the public street over which the sign is placed, erected or suspended. (Prior code § 7236.2)~~

~~15.28.110 Horizontal electrical signs--Fastening restrictions.~~

~~No horizontal electrical sign shall be placed, erected or suspended within the city unless the same is firmly and securely fastened to the building upon which the sign is placed or from which it is suspended by means of galvanized metal strips or metal cables of the quality and size specified by the building inspector, and unless there are sufficient of these strips or cables, which number shall be specified by the building inspector, to ensure the safety and firmness of the sign. (Prior code § 7237)~~

~~15.28.120 Electrical signs--Permit fee.~~

~~The building inspector shall collect a fee based on the valuation of the sign and each permit issued for the erection of any electrical sign. The fees based on valuation are to be calculated as per the Uniform Administrative Code and the Fees Table contained therein. (Ord. 806 § 1, 1981; prior code §§ 7238, 7533)~~

~~Chapter 15.30--UNIFORM SIGN CODE~~

~~15.30.010 Adopted.~~

~~A certain document, a copy of which is on file in the office of the city clerk, being marked and designated as Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, is adopted. (Ord. 981 § 1 (part), 1999; Ord. 958 § 1 (part), 1996; Ord. 787 § 1, 1980)~~

**SECTION 2.** Chapter 12.14, Temporary Signs, is hereby repealed in its entirety.

**~~12.14.010 Definition.~~**

~~A "temporary sign" is any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Examples of temporary signs include, but are not limited to, signs, handbills or posters relating to garage sales, political candidates or ballot measures, concerts, "swap-meets" and the like. (Ord. 881 § 1 (part), 1986)~~

**~~12.14.020 Legislative findings.~~**

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The \_\_\_\_\_ City \_\_\_\_\_ Council \_\_\_\_\_ finds \_\_\_\_\_ as \_\_\_\_\_ follows:

~~A. Aside from this chapter, temporary signs are not regulated by this title, and are, therefore, not subject to design review or approval as to their size, shape, color, design or placement. The lack of regulation of temporary signs has in the past led to visual clutter within the community and aesthetic blight. At times, temporary signs pose traffic safety hazards.~~

~~B. Public property including, but not limited to, parks, streets, alleys, parkways, public rights-of-way and facilities located within the public rights-of-way, such as utility poles, benches, hydrants, bridges, sidewalks and similar structures are not by tradition or designation a forum for communication by the general public, and the council wishes to preserve this property and these structures for their intended purposes, which is the safe, efficient and pleasant movement of vehicular and pedestrian traffic and operation of utility systems.~~

~~C. The regulations and prohibitions specified in this section are necessary to preserve the public rights-of-way and the items located within for their intended purposes, and to prevent the visual clutter, blight, and traffic safety hazards caused by temporary signs therein. (Ord. 881 § 1 (part), 1986)~~

**12.14.030 Posting prohibited.**

~~No person shall paint, mark or write on, or post or otherwise affix, or erect, construct, maintain, paste, nail, tack or otherwise fasten or affix, any temporary sign on any public property, street, alley, parkway, public right-of-way, sidewalk, crosswalk, curb, street lamp post, pole, bench, hydrant, tree, shrub, bridge, electric light or power or telephone wire pole, or wire appurtenance thereof, or upon any street sign or traffic sign, or upon any other object located within the public right-of-way which is not maintained for the purpose of communications by temporary signs by the general public. (Ord. 881 § 1 (part), 1986)~~

**12.14.040 Exceptions.**

~~This section shall not prevent a public officer or employee from posting notices as required by law, such as notices of street abandonment or notices of proposed assessment district proceedings, as required by the Streets and Highways Code, or other statutory authority. This section shall also not prevent the City Council from issuing an encroachment permit for the erection of banners pertaining to noncommercial and nonpolitical community events, such as parades, fairs, and community celebrations. This section shall also not pertain to structures located within the right-of-way which by tradition or designation are used for the purpose of communication by the general public. Such structures shall include kiosks, bulletin boards, benches upon which advertisement is authorized, newspaper racks, and billboards as authorized by this code. (Ord. 881 § 1 (part), 1986)~~

**12.14.050 Sight distance.**

~~No temporary sign erected on private property shall be erected or placed at the intersection of any street or within the segment created by drawing an imaginary line between points fifty feet back from where the curb lines of the intersection quadrant intersect. (Ord. 881 § 1 (part), 1986)~~

**12.14.060 Removal.**

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~~A. Temporary signs not prohibited by this section shall be removed within seven calendar days after the event to which they related occurs.~~

~~B. Any temporary sign posted or otherwise affixed in violation of this section may be removed by officers of the police, building inspection or public works departments or by the code enforcement officer. Signs removed by city employees shall be taken to the city shop. The employee removing the sign shall immediately attempt to notify the owner of the sign, if such can be ascertained. In cases where a sign contains the name of a printing firm or political candidate, the department shall also immediately attempt to notify such firm or candidate of the fact of removal, the location of the sign, and the procedure for retrieving the sign. (Ord. 881 § 1 (part), 1986)~~

**12.14.070 Retrieval of signs.**

~~Any person desiring to retrieve a sign removed by the city may do so upon the payment of an administrative fine of two and no/100ths dollars for each sign smaller than nine square feet total, and an administrative fine of ten and no/100ths dollars for each larger sign. In lieu of paying such administrative fine, such person may retrieve a sign upon signing a promise to appear upon a citation issued to him or her for violation of this section. If a person wishes to contest the fact that a sign was placed in violation of this section prior to paying the fine or signing the citation, he or she shall have the right to an administrative hearing before the Director of public works. If the Director finds that the sign was lawfully posted, he shall return the sign without an administrative penalty or the issuance of a citation. (Ord. 881 § 1 (part), 1986)~~

**12.14.080 Destruction of signs.**

~~Any temporary sign removed by the city may be considered abandoned if it is not retrieved within fifteen days after the date of such removal, and may be disposed of by the city without liability therefor to any person. (Ord. 881 § 1 (part), 1986)~~

**SECTION 3.** Section 5.20.190, advertising by Electric Signs of Chapter 5.20, License Rates, is hereby repealed.

**5.20.190 Advertising by electric signs.**

~~A. For every person, firm or corporation conducting, carrying on or engaged in the business of advertising by means of electric signs, the sum of one and one-half cents per quarter shall be charged for each square foot on the front surface area of all such electric signs so operated or maintained at the time of filing the verified statement provided for in subsection B of this section.~~

~~B. Application-Statement. Before receiving a license for such business, the application therefor must be filed with the city clerk containing a statement made and sworn to by the applicant, showing in detail the number of such electric signs so operated or maintained by the applicant at the time of such application, and the location and front surface of each such sign. (Ord. 680 § 2 (part), 1975; Ord. 493 § 2 (part), 1957; prior code §§ 2226 and 2226.1)~~

**SECTION 4.** Section 5.56.090, Permission Required for Erection, of Chapter 5.56, Handbills and Signs, is hereby repealed.

**~~5.56.090 Permission required for erection.~~**

~~It is unlawful for any person, firm or corporation to erect or maintain any billboards or advertising signs along any of the streets or alleys of the city, or upon any lot or premises in the city, without first having obtained written permission from the owner or person in possession of said lot or premises. In addition thereto, he must obtain permission from the majority of the members of the council sitting as a council at a regular or legally called special meeting of the City Council. (Ord. 626 § 1 (part), 1968; prior code § 4021)~~

**SECTION 5. Article XI, Signs of Chapter 17.01,** General Provisions, of Title 17, Zoning, consisting of Sections 17.01.1100 and 17.01.1110 is hereby repealed and Article XI, Signs of Chapter 17.01, General Provisions, of Title 17, Zoning, consisting of Sections 17.01.1100 to 17.01.1123, is hereby added to read as follows:

~~17.01.1100 Advertisement restrictions.~~

~~In commercial zones and industrial zones, the advertisement contained on any sign shall pertain to only the business, industry or pursuit conducted on or within the premises on which the sign is erected or maintained. (Ord. 606 § 2 (part), 1966; prior code § 8181)~~

~~17.01.1110 Signs requiring conditional use permits.~~

~~All signs other than those designated in Section 17.01.1100 shall be by conditional use permit only except signs advertising property for sale in residential zones. In the case of signs advertising property for sale in residential zones, such signs shall not exceed sixteen square feet of display area. (Ord. 648 § 1, 1970; Ord. 606 § 2 (part), 1966; prior code § 8182)~~

**Section 17.01.1100 - Title.** This chapter shall be known as the Sign Ordinance.

**Section 17.01.1101 - Regulatory Scope.** This chapter regulates signs, as defined herein that are located on private property (not including public rights-of-way), or on property owned by public entities other than the City of Calexico, and over which the city holds land use regulatory authority, when such property is located within the corporate limits of the City of Calexico. The policies for private party use of owned property and public rights-of-way for sign purposes are stated in a separate policy statement or resolution adopted by the City Council from time to time.

**Section 17.01.1102 – Purpose.** The purpose of this chapter is to establish a comprehensive system for the regulation of signs in the City of Calexico. Sign regulation is enacted to serve the interests of community aesthetics, vehicular and pedestrian safety, to protect and preserve property values, to improve the visual environment of the city so as to promote commerce, investment, tourism, and visitation, and the overall quality of life for persons living in, doing business in, or visiting the city. The provisions of this chapter are also intended to promote the public health, safety and general welfare of persons driving, parking, walking, residing, or conducting business within the city by reducing visual distractions to motorists, by making signs and advertising displays more attractive, aesthetically pleasing, and more effective. It is the



further purpose of this chapter to ensure that every use of property within the city receives adequate identification. This chapter shall supplement the provisions for signs and advertising displays as defined in this zoning ordinance for each of the city's zones.

The regulations of this chapter are not intended to permit any violations of the provisions of any other lawful ordinance, or to prohibit the use of any sign required by any law superior to that of this ordinance.

**Section 17.01.1103 – Basic Policies.** The policies and provisions of this section shall apply to all signs regulated by this chapter.

- A. **Message Neutrality.** Consistent with both the federal and state constitutions, it is the city's policy to regulate signs in a manner that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- B. **Regulatory Interpretations.** All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in Chapter 17.01.900, then the Director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. Architectural compatibility shall be analyzed without consideration of the message to be displayed on a sign, other than the distinction between on-site and off-site commercial messages.
- C. **Discretionary Approvals.** Whenever a sign or proposed sign is subject to any discretionary approval process, including but not limited to, variance, conditional use permit, or special use permit, then no consideration will be given to sign copy or message to be displayed, other than a determination as to whether the message will constitute off-site commercial copy. This principle applies equally at all levels of approval, from the Director to the City Council.
- D. **Message Substitution Policy.** Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- E. **Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing,

orientation, and so forth, stand enforceable independently of any permit or approval process.

- F. ~~Billboard Policy. It is a fundamental land use policy of the City of Calexico to prohibit the construction, erection or use of any billboards, as defined in this Section other than those that legally exist in the city, or for which a valid permit has been issued and has not expired as of the date on which this provision is first adopted. The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard that violates this policy, and the construction or maintenance of any billboard in violation of this subsection is declared a nuisance and the city may take immediate steps to abate any nuisance created by any billboard constructed or maintained in violation of this policy. The city council affirmatively declares that it would have adopted this subsection even if it were the only provision in this chapter. It shall be the policy of the City of Calexico to regulate the placement of "Billboards" by requiring consideration of such signs via the Conditional Use Permit (CUP) process pursuant to applicable provisions of the Zoning Code. The following requirements shall be met:~~

1. The location shall be zoned Commercial or Industrial;
2. There must be a business activity within 1,000 feet of the proposed sign;
3. No sign shall be permitted within  $\frac{1}{4}$  mile radius of another legally permitted Billboard;
4. No sign shall be permitted within 300' distance from another legally permitted on site freestanding/freeway sign;
5. Other considerations regarding compatibility of placement as required by the CUP process;
6. *No sign shall be permitted on Parcels of land less than 2 acres in size;*
7. *The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003).*

*(Italics means language added per Planning Commission direction 6/28/10)*

~~The city council intends for this subsection to be severable and separately enforceable, even if other provisions of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This subsection does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by California Business and Professions Code Section 5412. (Proposed based on City Council direction on March 2, 2010 and Planning Commission direction on June 28, 2010.)~~

- G. Multiple Use Zones. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in a residential zone, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

- H. **Property Owner's Consent.** No sign may be displayed on real or personal property without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this subsection, "owner" means the holder of legal title to the property and all parties and persons holding a present right of possession, control, or use of the property.
- I. **Projection over Public Right-of-Way.** No sign may project over the public right-of-way unless such projection is specifically authorized by this chapter or by a policy statement or resolution, adopted by the City Council, authorizing such projection.
- J. **Legal Nature of Signage Rights and Duties.** As to all permanent signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This subsection does not modify or affect the law of fixtures, or sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter).
- K. **Compliance with Safety Codes.** In addition to the requirements of this chapter, all signs displayed in the city must comply with the provisions of Title 15, regulating building and construction in the city.
- L. **Compliance with Other Laws.** All signs displayed in the city must comply with the requirements of this chapter and the requirements of all other applicable laws.
- M. **Permit Requirement.** It is illegal to display any sign within the city without a sign permit as required in Section 17.01.1105, unless the particular sign is expressly exempted from the permit requirement by any provision of this chapter.
- N. **Right to Permit.** When a given sign is subject to the permit requirement of subsection M of this section, or Section 17.01.1105, and the applicant satisfies all of the requirements of this chapter and all other applicable law, the permit shall be issued upon the terms and conditions stated in this chapter and such other applicable laws.
- O. **Right to Sign.** When a sign is not subject to a permit requirement, and fully conforms with all the provisions of this chapter and all other applicable laws, the sign may be displayed as a matter of right.
- P. **Severance.** If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid, unconstitutional or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision in this chapter that can be given effect without the invalid portion. In adopting this chapter the City Council affirmatively declares that it would have approved and adopted the chapter even without any portion that may be held invalid or unenforceable.

**Section 17.01.1104 - Definitions.**

For the purpose of this chapter, certain terms used herein are defined as follows:

- A. "Balloon" means an inflatable bag or other inflatable device of any size;
- B. "Billboard" means a permanent structure sign with a display face exceeding thirty-two square feet that is used to display off-site commercial messages.

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- C. "Building Frontage" means the lineal extent of a building or unit along either a street or a public parking area serving the business, not including loading or service areas;
- D. "Business Identification Sign" means any sign erected or maintained for the purpose of identifying a bona fide business being conducted upon the premises on which the sign is located;
- E. "Center Identification Sign" means a freestanding sign structure containing the name identifying an integrated business development and may also include identification signs on which the names and nature of business only within the development are uniformly displayed;
- F. "Commercial development" means one or more nonresidential or non-institutional types of use engaged in commerce on a parcel or on adjacent parcels of land which are planned, developed, or managed as a unit.
- G. "CMC" means the City of Calexico Municipal Code as amended from time to time.
- H. "Commercial Sign" means any sign excluding non-commercial signs.
- I. "Director" means the Director of Community Development Department.
- J. "Double-face Sign" means a single sign with two (2) parallel sign faces back-to-back;
- K. "Electronic message display" is a sign with either a fixed or changeable display which may be changed by electronic processes or remote control, which may include words and/or pictures and composed of a series of lights, light emitting diodes (LEDs) or liquid crystal displays (LCDs) or functionally similar signs.
- L. "Freestanding Sign" means any permanent sign not attached to a building;
- M. "Freeway" means a highway with respect to which the owners of abutting lands have no right of easement or access to or from their abutting lands, or in respect to which such owners have only limited or restricted easement or access and which is declared to be such in compliance with the Streets and Highway Code of the State; "Highway" includes roads, streets, boulevards, lanes, courts, places, commons, Trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.
- N. "Integrated Development" means a development consisting of five (5) or more interrelated business establishments, in separate units, using common driveways and on-site parking facilities;
- O. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the Director and approved by appropriate authority of the federal government.
- P. "Monument Sign" means a low profile sign, not exceeding six feet (6') in height, supported by a solid pedestal extending under the entire length of the sign;
- Q. "Non-commercial Sign" means any sign, including political signs, not advertising a business, services offered or rendered, goods produced, sold, or available for sale, whether on or off-site;
- R. "Off-site Sign" means any sign, including billboards, which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises if at all. All non-commercial

signs are considered on-site signs; the definition and rules for off-site signs apply only to commercial speech on signs.

- S. "On-site Sign" means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, that has been designed, constructed, created, intended, or engineered to have a useful life of 15 years or more, and intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:
1. To designate, identify, or indicate the name or business of the owner or occupant of the premises upon which the advertising display is located.
  2. To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display has been lawfully erected.
- T. "Permanent Reader Panel" means a permanently constructed changeable copy bulletin board lighted or unlighted with detachable precut letters and figures;
- U. "Non-Commercial Campaigning Sign" means a sign relating to a forthcoming public election or referendum indicating the name and/or picture of an individual seeking election to a public office, or a sign pertaining to issues, or a sign pertaining to the advocacy by persons, groups, or parties of political views or policies;
- V. "Portable Sign" means any movable external sign that is not permanently secured or attached to an approved permanently established structure, support or anchor;
- W. "Projecting Sign" means any sign which is affixed or attached to, and is supported solely by a building wall or structure, or parts thereof, and extends beyond building wall, or structure or parts thereof more than twelve inches (12") and whose angle of incidence to said building wall, structure or parts thereof, is greater than thirty (30) degrees;
- X. "Primary highway" means any highway, other than an interstate highway, designated as a part of the federal-aid primary system in existence on June 1, 1991, and any highway that is not in that system but which is in the National Highway System.
- Y. "Roofline" means the height above the eaves line on sloped roofs, and above the roof covering on flat roofs except parapet walls;
- Z. "Roof Sign" is any sign erected, constructed and maintained wholly or partially above the roofline;
- AA. "Sign" means and includes every announcement, declaration, demonstration, display, illumination, insignia, surface or space when erected or maintained in view of the general public for identification, advertisement or promotion of the interests of any business or person;
- BB. "Sign Area" means the entire area within the outside border of the sign. The area of a sign having no continuous border or lacking a border shall mean the entire area within a single continuous perimeter formed by no more than eight (8) straight lines enclosing the extreme limits of writing, representations, emblem, or any fixture or similar character, integral part of the display or used as a border excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than three feet (3') from one another, the area of the sign shall be taken as the area of one (1) face if the two (2)

faces of equal area, or as the area of the larger face if the two (2) faces are of unequal area;

- CC. "Sign Value" means the current cost of construction of the sign, as reasonably estimated by the Director, assuming the sign meets the standards established by International Conference of Building Officials and as adopted periodically by the City Council.
- DD. "Street Frontage" means the lineal extent of a parcel of land along a street;
- EE. "Temporary Sign" means any sign constructed of or painted on, cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light material;
- FF. "Wall Sign" includes all flat signs, either of solid face construction or individual letters, which are placed against the exterior wall of any building or structure and extending not more than one foot (1') from the face of the building and having the advertisement on one (1) face only.

**Section 17.01.1105 - Permit Required.** A sign permit shall be required to be obtained from the Planning Division for new signs and/or change of face or copy on existing signs. A building permit and electrical permit (a grading, fire and mechanical, plumbing permit requirement may also be triggered per the discretion of the Director) shall be required from the Building Division prior to the placing, erecting, moving, reconstructing, altering, or displaying of any exterior signs unless exempted by Section 17.01.1108, and not including merely refurbishing (i.e., repainting, etc.) existing signs.

**Section 17.01.1106 - Procedure.**

- A. Application for Sign Permit and Approval shall be made upon forms provided by the Community Development Department, Planning and Building & Safety Divisions and shall include the following information and materials:
  - 1. Three (3) copies of plan showing:
    - a. Site Plan illustrating general location of and placement of the proposed sign in relation to driveways, property lines and buildings;
    - b. Position of sign or other advertising structure in relation to adjacent buildings or structures. If a freestanding sign is proposed, illustrate the location in relation to lot lay-out;
    - c. The design, color, materials used and size of all proposed signs. For freestanding signs, dimension and description of materials supporting sign. Structural details shall be required for all freestanding signs in excess of three (3') feet with calculations and specifications signed by a registered professional engineer;
    - d. A current photograph(s) showing existing signs on the premises and adjacent property, and certifying the date on which the photographs were taken;
    - e. A statement showing the size and dimensions of all signs existing on the premises at the time of making such applications;
    - f. Applicant's statement as to whether the sign will display onsite or offsite commercial and/or noncommercial messages.
- B. Fees. Every applicant, before the granting of a Sign Permit, shall pay to the Planning & Building & Safety Divisions the permit fees as established by resolution for each sign or

other advertising structure regulated by this chapter.

- C. **Issuance of Permits.** It shall be the duty of the Planning and Building & Safety Divisions, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or advertising structure; and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other adopted laws, guidelines and ordinances of the City, they shall then issue the sign permit except as otherwise provided in this chapter.
1. Planning & Building & Safety Divisions must make a determination about whether the application should be granted or denied within 30 days of the application being submitted to the Departments. Failure to reach a decision within 30 days will result in the application being deemed approved.
  2. Within 10 calendar days from the day the City denied an application to construct or modify a sign, the applicant may file an appeal, in writing, and attach all evidence or documents the applicant believes to be relevant to the appeal. The appeal and supporting documents must be filed with the Office of the City Manager. The appeal will be reviewed by the City Manager or his or her designee, and shall be decided within 30 days after the City of Calexico has received the appeal. The City Manager or designee may, in the exercise of his or her discretion, allow the applicant to present testimony orally in addition to the written appeal documents required by this section.
- D. **Revocation of Permit.** The Director is authorized and empowered to revoke any permit upon failure of the holder thereof to comply with any provision of this chapter, with written statement for reasons of revocation.
- E. **Failure to Obtain Permit.** Failure to acquire a permit before commencing work shall trigger issuance of a citation pursuant to Section 1.27 of this Code and a double permit fee assessment. Nothing in this section restricts the City from seeking any other legal remedy for violations of this Chapter.

**Section 17.01.1107 - Stop Orders.** The issuance of a sign permit shall not constitute a waiver of this section or any ordinance of the City, and the Building & Safety Division is authorized to stop any sign or advertising structure installation which is being carried on in violation of this Chapter, or of any other ordinance of the City.

Recipient of a Stop Order may contest that there was a violation of this chapter by completing a request for a hearing form and returning it to the city within 15 days from the issuance of the Stop Order.

**Section 17.01.1108 - Exemptions.**

The following non-illuminated signs shall be permitted in all districts with no permit required, subject to the limitations provided in this chapter, or as otherwise provided by state law:

- A. One (1) double-faced or two (2) single-faced real estate signs per street frontage not exceeding six feet (6') in area nor six feet (6') in height pertaining to the sale or rental of the property on which displayed, provided that such signs shall be removed at the time the property is sold or rented;

On vacant parcels larger than 10,000 square feet in area, one (1) double-faced real

estate sign per street frontage not exceeding thirty-two (32) square feet in area may be placed in lieu of the smaller sign, provided that it shall be a minimum of fifteen-feet (15) from any street right-of-way or driveway and shall not exceed ten feet (10) in height;

- B. One (1) professional nameplate or occupational sign denoting only the name and occupation of an occupant in a commercial building or public institutional building, provided that said sign does not exceed two (2) square feet in area and is attached to and mounted parallel to the face of the building not exceeding one inch (1) from the wall;
- C. One (1) nameplate, denoting only the name of occupants of a dwelling, and not exceeding two (2) square feet in area not located closer than two feet (2) to the property line;
- D. Municipal signs, railroad crossing or danger signs, official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty or by any person in giving any legal notice, directional warning or information signs or structures required by or authorized by law or by federal, state or county authority, a sign erected near a city or county boundary that contains the name of that city or county and the names of, or any other information regarding, civic, fraternal, or religious organizations located within that city or county. These items are not considered "signs" under state law.
- E. Non-advertising warning signs or trespassing signs on private property posted no closer than one-hundred feet (100) apart not exceeding three feet (3') in area;
- F. Non-advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the general public, or as required by any law or regulations of the state or any agency thereof;
- G. One (1) sign per street frontage identifying the development and denoting the architect, engineer or contractor when placed upon work under construction; provided, however, that no such sign shall exceed thirty-two (32) square feet in area nor eight (8) feet in height;
- H. Non-commercial window display signs advertising specific event. Each business may display one (1) such sign in its window containing a maximum of four (4) square feet in area, for not more than thirty (30) days before the event takes place. The sign must be removed within twenty-four (24) hours after the event takes place;
- I. Non-advertising displays commemorating legal holidays; providing, however, that said displays are not detrimental to public health, safety and general welfare;
- J. Temporary non-commercial signs displaying political campaign messages subject to the regulations in Section 17.01.1114, Temporary Non-Commercial Campaigning Signs.

**Section 17.01.1109 - Nonconforming Signs.**

- A. Removal or alteration of nonconforming on-premise signs.
  - 1. Without compensation. Any sign that does not conform to the provisions of this chapter and that was constructed or displayed prior to the adoption of this chapter shall be considered nonconforming and removed or brought into conformance with this chapter without compensation when said sign meets any of the following requirements:



- a. The sign did not comply with all ordinances and regulations in effect at the time of its construction and erection or use.
  - b. The sign was lawfully erected, but has become illegal or abandoned, as those terms are defined in California Business and Professions Code Section 5499.1, as that section is amended from time to time, and were illegal or abandoned under the previous Chapter and prior to the adoption of this Chapter. All abandoned and illegal signs and advertising structures shall be abated pursuant to the notice and hearing procedures for removal of illegal or abandoned signs required by California Business and Professions Code Sections 5499.1 to 5499.16 as those sections are amended from time to time.
  - c. The sign was legal when initially constructed or erected, but has been relocated, or any nonconformity has been expanded.
  - d. The sign is the subject of an agreement between the sign owner and the city for its removal as of a given date.
  - e. The sign is temporary.
  - f. The sign is located where building permit or sign permit is issued for a site located within a redevelopment project area created pursuant to California Community Redevelopment Law.
  - g. The sign has been damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value, as defined in Section 17.01.1104. The sign value shall be reasonably determined by the Director.
2. Removal of nonconforming signs. After determining that a sign is nonconforming in accordance with the provisions of this section, the Director shall issue a written notice of such nonconformance to the owner of the property upon which said sign is located and state:
    - a. The requirements to bring the sign into compliance with this chapter.
    - b. The date upon which said sign shall achieve conformance or be removed.
  3. Alterations. A sign permit shall be required for any alteration or relocation required to bring a sign(s) into compliance with the provisions of this chapter.
  4. Time limit for conformance.
    - a. Unless otherwise required by this chapter or state law, a sign that exists at the time of adoption of this chapter and does not conform to all of the requirements of this chapter shall not be structurally or electrically altered, increased in area, or relocated unless it is made to comply with all of the provisions of this chapter. However, any nonconforming sign may be maintained, repaired, painted, or remain in existence for a period of fifteen years from the date on which **Ordinance No. 1120** was enacted by the city.

- b. For purposes of this section, every on-site sign is assumed to have a useful life of fifteen years as established in Section 5495 of the California Business and Professions Code.
    - c. Fair and just compensation shall be provided by the city for any signs required to be removed, except as otherwise required by this chapter, during the fifteen year amortization period. Any sign required to be so removed before the amortization period has lapsed shall be entitled to fair and just compensation that is equal to one fifteenth of the duplication cost of construction of the display being removed multiplied by the number of years of useful life remaining for the sign. At the end of the amortization period or at the time compensation is provided for nonconforming signs, the owner thereof shall cause the sign to be removed or so altered to conform fully with the requirements of this chapter. A sign permit shall be required for any such alteration or relocation.
  - 5. Removal of amortized signs. Any nonconforming sign required to be removed in compliance with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be abated pursuant to the procedures established in this chapter.
  - 6. Declaration of amortization; notice of removal.
    - a. All nonconforming signs required to comply with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be removed by any city employee or private contractor at the direction of the city manager or designee, upon the expiration of thirty days after written notice of such nonconformance and order of removal has been made. The actual cost for such removal shall be charged to the property owner.
    - c. Written notice for removal shall be mailed by certified mail to the property owner upon which said display is located. The notice shall state the date for removal.
  - 7. Removal of temporary signs. Temporary signs that do not conform to this ordinance shall, within 30 days after the effective date of this chapter, be removed or made to conform with the requirements of this chapter, including the requirement to obtain a permit as set out in Section 17.01.1117.(A) of this chapter.
- B. Removal of nonconforming billboards and off-premise advertising structures.**
- 1. Any off-premises advertising structure or billboard that was lawfully erected prior to the adoption of this chapter shall be deemed a nonconforming off-premises advertising structure.
  - 2. Maintenance. Any existing off-premises advertising structure or billboard that has been determined to be nonconforming may continue in its customary use and maintenance until such time that the city requires the removal of said structure in accordance with the provisions of this chapter and any state or federal provisions for

removal and compensation for such required removal of nonconforming off-premises advertising structures.

3. Removal without compensation; illegal structures and relocation agreements. Except as limited by state law, after proper written notice, the city may require the removal of any nonconforming outdoor advertising structure or billboard, without compensation, when said structure meets any of the following conditions.
  - a. The off-site advertising structure did not comply with all ordinances and regulation for such structures in effect at the time of its construction or use, without consideration of messages;
  - b. The offsite advertising structure was lawfully erected, but has not contained copy for public display for a consecutive period of eighteen months or longer;
  - c. The sign has been damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value, as defined in Section 17.01.1104. The sign value shall be reasonably determined by the Director;
  - d. The structure is the subject of an agreement between the owner and the city for its removal as of any given date;
4. Removal without compensation; residential areas and agricultural areas. Except as limited by state law, the city may require the removal of a nonconforming off-premises advertising structure that was legally erected and maintained in existence on the effective date of this chapter but that has become nonconforming with the provisions of this section that meets all of the following requirements.
  - a. The display is located within an area shown as residential on the city's general plan.
  - b. The display is located in an area zoned for residential use either on the date on which the removal requirement is adopted or becomes applicable to the area.
  - c. The display is not located within six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.
  - d. The display is allowed to remain in existence for a period of time as set forth in Section 5412.1 of the California Business and Professions Code or any subsequent amendments or adjustments thereof, which section is hereby incorporated by this reference.
  - e. The display is located within an incorporated area shown as agricultural on the city's general plan as of either the date this chapter is first enacted.
  - f. The display is located within an area zoned for agricultural use either on the date on which the removal requirement is adopted or becomes applicable to the area.

- g. The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.
  - h. The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Business and Professions Code Section 5412, and after giving notice of the removal requirement.
5. Removal with compensation.
- Nothing in this section shall prohibit the city from requiring the abatement and removal of a nonconforming off-premises advertising structure in commercial or industrial areas with proper notification and payment of compensation in accordance with the provisions of Section 5412 of California Business and Professions Code.
- 6. Notwithstanding any provisions to the contrary in this chapter, no nonconforming advertising structure is required to be removed solely by the passage of time if such action is prohibited by state or federal law.
  - 7. Notification for removal of nonconforming off-premises advertising structures. After determining that an off-premises advertising structure is nonconforming in accordance with the provisions of this section, the Director shall cause a written notice of such nonconformance to be sent to the owner of the property upon which said structure is located, and to the owner of said structure, that states the requirements to bring the sign into compliance with this chapter, and the date upon which said sign shall achieve conformance or be removed.
  - 8. A demolition permit shall be required for any removal required to bring a structure into compliance with the provisions of this chapter.
  - 9. Structures determined to be nonconforming pursuant to this chapter and determined to be a public nuisance due to unsafe structural conditions as determined by the building official are required to be abated immediately.
  - 10. Written notice for removal shall be mailed by certified mail to the property owner upon which said structure is located and to the owner of the structure. The notice shall state the date for removal.
  - 11. All nonconforming structures required to comply with the provisions of this chapter because of expiration of an applicable time period or payment of fair and just compensation shall be deemed a public nuisance, and may be removed by any city employee or private contractor at the direction of the city manager or his designee, upon the expiration of sixty days after written notice of such nonconformance and order of removal has been made. The actual cost for such removal may be charged to the property owner.

**Section 17.01.1110 - Non-Commercial Signs and Messages.**

- A. Non-commercial signs, including political signs, shall be allowed under any circumstance in which a Commercial Sign is allowed, pursuant to the same rules and regulations as are applicable to any Commercial Sign, and as additionally allowed pursuant to this chapter.
- B. Subject to a property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, providing that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

**Section 17.01.1111 - Construction, Maintenance and Removal of signs.**

- A. Construction. Every sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports, or anchorage therefore, shall be manufactured, fabricated, assembled, constructed, and erected in compliance with all applicable state, federal and city laws and regulations, including but not limited to, all applicable safety codes.
- B. Maintenance. Every sign and all parts, portions, units, and materials comprising the same, together with the frame, background, supports, or anchorage therefore, shall be maintained in proper repair and a proper state of preservation and repair. The display surface of all signs shall be kept neatly painted and/or posted.
- C. Notices to maintain, alter, or repair. Upon a written notice from the Director, the necessary maintenance, alterations, or repairs shall be made within ten days after the date of such notice. Orders to maintain, alter or repair are appealable in the same manner as sign permit decisions.
- D. Removal. Except as otherwise provided in this chapter, signs pertaining to enterprises, occupants or activities that are no longer using the premises for which the sign relates, or that are inoperative, shall be painted out, obliterated or removed from the premises within sixty days after the enterprise or occupant has vacated the premises or the sign is found to be inoperative. Any nonconforming signs that exist at the time a business become inoperative, as defined in this chapter, shall be removed and may not be replaced, restored or revised unless brought into conformance with this chapter. Allowable temporary signs shall be removed no later than five days after the occurrence or completion of the event or election or other purposes served by the sign.
- E. Public nuisance abatement. Any sign violating the provisions of this section shall constitute a public nuisance and shall be subject to abatement, using the following procedure.

1. The Director shall make an initial decision that a sign is in violation of this chapter, and shall give notice of that determination to the property owner, and business owner or sign owner. The notice shall specify the grounds for considering the sign a public nuisance and provide thirty calendar days in which the nuisance may be remedied, unless the sign qualifies as an immediate peril, in which case Section 17.01.1111.E.3 shall apply. A notice to abate a public nuisance sign is appealable in the same manner as a sign related decision.
2. If the nuisance condition is not remedied within thirty days or such extension of time as the Director may allow on the ground that remedy is not feasible within thirty days, the Director may cause the sign to be removed, and the cost of removal shall be billed to the sign's owner, the property owner, business or establishment owner, or other responsible party. Said cost may be assessed as a lien against the property upon which the sign was displayed.
3. Notwithstanding the foregoing, the Director may cause any sign that is an immediate peril to persons or property to be removed summarily and without prior notice. If a sign is summarily removed pursuant to this section, the Director shall give notice of the removal to the appropriate parties as soon as it is reasonably possible after the removal.
4. Any sign directed to be so removed shall also require that the structure from which the sign is removed be left in good condition.

**Section 17.01.1112 - Prohibited Signs.** All signs not specifically permitted by other provisions of this chapter shall be prohibited. The following signs shall not be permitted unless specifically allowed by a Specific Plan, Overlay District or other Section of this Code:

- A. Portable signs, such as freestanding or wheeled signs higher than forty-two inches (42) in height, and metallic balloons;
- B. Vehicles containing advertising intentionally parked on public or private property for extended amounts of time at the same location for the primary purpose of advertising or directing attention to a permanent business;
- C. Signs that incorporate in any manner any flashing, moving, or intermittent lighting;
- D. Rotating or animated signs, or signs that contain any moving parts;
- E. No signs, lights or other advertising structure shall be:
  1. Located within the right-of-way of any highway;
  2. Visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or be likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down.";
  3. Maintained in any other but a safe condition;
  4. Visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal;

5. Illuminated so as to impair the vision of travelers on adjacent highways; Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the California Vehicle Code;
  6. Visible from a state regulated highway and displaying any flashing, intermittent, or moving light or lights, or that appear to be moving.
- F. Signs that exceed the roofline or parapet to which such signs are attached (including decals on mechanical equipment);
- G. Yard Sale and Real Estate signs in the public right-of-way.
- H. Off-Site Signs as defined in Section 17.01.1104 of this Chapter.

**Section 17.01.1113 - Advertising on Public Property.**

- A. No person, except a public officer or city employee in the performance of his duty shall paste, post, paint or erect any flag, pennant, sign or notice of any kind or cause the same to be done upon public property, street, bridge, or sidewalk within the city and no person shall attach any item to private utility poles;
- B. Exceptions. Signs and banners for special public events to the benefit of the entire community and authorized by the Director or Designee.

**Section 17.01.1114 - Temporary Non-Commercial Signs.**

- A. General. Non-commercial signs are permitted (without the requirement of seeking a permit from City personnel) in any district subject to the following limitations:
1. Time Limits. No sign shall be posted more than ninety (90) days prior to the election or event or subject matter to which it pertains. All signs shall be removed within thirty (30) days following the election, event, or subject matter to which they pertain;
- B. Exceptions. Temporary Non-Commercial Campaigning Signs shall be prohibited in locations listed below:
1. Public Right-of-way. No sign shall be posted within the street right-of-way (including, but not limited to, median islands, tract entry planters, treewells and parkways), or on any traffic-control sign, private or public utility company poles;
  2. Public Facilities. No sign shall be posted on any building or on any property owned by the city.

**Section 17.01.1115 - Temporary Advertising for New Residential Developments.** This section provides the standards for the implementation of on-site subdivision signs. The purpose of these standards is to avoid adverse impacts to existing residential neighborhoods, to direct the public to new residential developments, and to help reduce the aesthetic impacts on the streetscape.

- A. On-Site Signs and Flags. New residential developments that offer ten (10) or more units for sale, rent or lease may erect temporary on-site advertising signs subject to the following:
1. Size.
    - a. One (1) sign per residential development may be located within the boundaries of the development. Such signs shall not exceed one hundred (100) square feet in

area and with a total height of twenty feet (20) above grade;

- b. Additionally, up to ten (10) flags (which direct the public to the location of the model home complex or outline the primary entrance to the development) may be allowed, such flags shall not exceed fifteen (15) square feet in area and with a total height of twenty feet (20') above grade;
  - c. One (1) sign per Model Home Complex (if one is proposed) for the primary identification of the Model Home Complex. Such sign shall not exceed thirty-two (32) square feet in area with a total height of eight feet (8) above grade.
2. Approval Required. Signs and flags are subject to approval of a temporary sign permit by the Director or Designee. The permit shall be valid for one (1) year. Extensions may be granted by the Director upon request of the applicant;
  3. Bond Required. Such signs and flags are subject to a five hundred dollar (\$500.00) cash bond or deposit as determined by Director in order to guarantee prompt removal upon expiration of the approval period, not to exceed 30 days;
  4. Removal of Signs. The bond/deposit shall be forfeited if signs and/or flags are not removed within the expiration date.

**Section 17.01.1116 - Temporary Advertising for Developments Other Than New Residential Developments.** Temporary advertising for new developments other than residential projects shall be permitted subject to the following:

- A. One (1) freestanding sign per development may be erected. Such signs shall not exceed thirty-two (32) square feet in area, nor ten feet (10) in height.
- B. One (1) wall sign per building may be displayed. Such signs shall not exceed one (1) square foot per lineal foot of building frontage, provided however, that no sign shall exceed fifty (50) square feet;
- C. Signs shall not be displayed for more than one (1) year.

**Section 17.01.1117 - Temporary Advertising Devices "Temporary Signs".** Temporary signs such as pennants, banners, spinners, flags, non-metallic inflatable devices "balloons", and portable signs shall be permitted for promotional purposes only subject to the following regulations:

- A. All temporary signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. Pennants, banners, spinners, flags, non-metallic inflatable (small or large) devices "balloons", and portable signs including air operated signs shall be displayed only at the location where the promotion occurs;
- C. The maximum number of temporary signs permitted per occurrence period shall be two (2) sign types;
- D. The display of temporary signs for promotional purposes shall be subject to the following additional regulations:
  1. Pennants and Flags (defined as small strips of cloth or plastic fabric triangularly or rectangular shaped and a rectangular piece of fabric on poles used as advertising devices):
    - a. Pennants and/or flags on strings and flags on poles shall be allowed for a



maximum of thirty (30) consecutive days per occurrence period, six (6) times per calendar year. No more than two (2) occurrence periods shall be combined at any one time. Each occurrence period shall be separated by at least fourteen (14) consecutive days if not combined;

- b. Flags on poles shall be limited to 10 flags per occurrence period. Each flag shall not exceed fifteen (15) square feet in area;
  - c. The height of pennants and/or flags on strings and flags on poles shall not exceed twenty feet (20) above grade;
  - d. Pennants and/or flags shall be kept in good condition at all times.
2. Banners (defined as large strips of cloth or plastic fabric used as an advertising device)
- a. Banners shall be allowed a maximum of thirty (30) consecutive days per occurrence period, four (4) times per calendar year. Each occurrence period shall be separated by at least thirty (30) consecutive days;
  - b. Only one (1) banner shall be permitted per building and/or tenant space;
  - c. Banner sign area shall not exceed sixty (60) square feet;
  - d. Banners shall be attached to the building or canopy parallel to the building face. No portion of any banner shall project more than six inches (6) from the face of the building or canopy to which it is attached.
  - e. Banner shall be kept in good condition at all times.
3. Small inflatable non-metallic devices "balloons":
- a. Balloons twelve (12) inches or less in diameter may be allowed without a temporary sign permit;
  - b. The height of the balloons shall not exceed forty-five (45) feet above grade.
4. Large inflatable non-metallic devices "balloons":
- a. Balloons greater than twelve (12) inches in diameter such as inflatable statutory or a hot air balloon may be may be allowed with a temporary permit a maximum of thirty (30) consecutive days per occurrence period, four (4) times per calendar year. Each occurrence period shall be separated by thirty (30) consecutive days and must be included as part of a permitted promotional period;
  - b. The height of the balloons shall not exceed the distance from the proposed location to the nearest property line.
  - c. Balloon shall be allowed only on private property;
  - d. Balloon shall be placed so as not to impede pedestrian and vehicular traffic;
  - e. Balloon shall be properly secured to the ground or a structure to withstand extreme wind conditions;
  - f. Balloon shall be kept in good condition at all times.
  - g. Only one balloon shall be permitted per building or tenant space.

- E. Movable signs defined as sandwich boards, made of wood, plastic, or metal that may contain commercial information may be allowed with a sign permit reviewed and

approved by the Planning Division on a yearly basis subject to the following additional regulations:

1. Only one (1) movable sign shall be permitted per tenant space;
  2. Sign shall not be allowed within the public right-of-way (i.e., public side walk, etc.,)
  3. Sign area shall not exceed thirty inches (30") wide and forty-two inches (42") high and have no more than two (2) faces;
  4. Sign must be placed so as not to impede pedestrian and vehicular traffic;
  5. Sign must be placed so as not to impede line-of-sight for vehicular traffic;
  6. Sign shall be allowed only on private property;
  7. Sign shall be displayed only during operating business hours. Sign shall be kept in good condition at all times.
- F. Temporary Window Signs may be allowed without a temporary sign permit subject to the following regulations:
1. They shall be permitted only inside a window of the business to which such sign pertains;
  2. Sign area shall not exceed 25% of the window pane area;
  3. Total area occupied by said sign shall not screen the view of the inside of said tenant space;
  4. Signs shall be displayed in a neat and orderly manner and shall not contain any words, symbols or pictures that may be offensive to the general public;
  5. Holiday window decorations shall be permitted. The duration for the decoration of the window shall be limited to a period not exceeding six (6) weeks prior to the holiday and two (2) weeks following the holiday.

**Section 17.01.1118 – Identification Signs in Residential Zones.** The following regulations shall apply to all signs and outdoor advertising structures in residential zones, except as provided in Section 17.01.1108, Exemptions.

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. For other than single-family detached residential, developments on lots less than one hundred (100) feet in width may be permitted one (1) wall sign containing a maximum sign area of ten (10) square feet;
- C. Large scale developments having more than six (6) units and a lot width greater than one-hundred feet (100) may be permitted one (1) sign per street frontage containing no more than one (1) square foot per each ten feet (10) of linear lot frontage and shall not exceed thirty-two (32) square feet of sign area. Such signs may be freestanding or wall signs;
- D. All signs shall harmonize with the scale and design of the development and if lighted shall be indirectly lighted;
- E. Freestanding signs shall have an overall maximum height of six feet (6) above grade. Such sign shall not extend out from the furthest projection of the main building more than five feet (5) on any side of front yard;

- F. A wall sign shall be fastened parallel to the surface of the main building and may be placed at a height not greater than two-thirds (2/3's) of the height of the building surface upon which it is located.

**Section 17.01.1119 - Signs in Commercial Zones.** The following regulations shall apply to all signs and outdoor advertising structures in the CO, CN, & CH Zones:

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division
- B. No sign shall be permitted that does not pertain directly to an approved business conducted on the premises, except as provided in Section 17.01.1108, Exemptions.
- C. All signs, except those provided for in Section 17.01.1117, Temporary Advertising Devices, shall be permanent in nature and shall be consistent with and reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors;
- D. Wall Sign Ratio 1:1. The total sign area permitted per building frontage shall not exceed one (1) square foot per lineal foot of building frontage on which the sign is located subject to the following:
1. Building frontage may not be combined to permit a larger sign on any one building frontage;
  2. Signs shall be attached to the building or canopy, parallel to the building face. No portion of any sign or its supporting structure, may project more than six inches (6) from the face of the building or structure to which it is attached.
- E. Sign Program Requirement. Businesses in an integrated development shall be required to submit for review & approval a Uniform Sign Program approved by the Director. The purpose of the sign program is to develop a cohesive and consistent design theme for all proposed sign types taking into consideration the layout of the proposed development and identifying unique advertizing needs for the end users. All signs within an integrated development shall comply with the established Sign Program regulations and are subject to Section 17.01.1105 (Permit Required);
- F. Freestanding Signs. In addition to the above, businesses in a separate or independent building and occupying at least one-hundred feet (100) of frontage on one street may be permitted one (1) freestanding sign subject to the following:
1. Sign area per street frontage shall not exceed twenty (20) square feet per one-hundred (100) lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed sixty (60) square feet in area;
  2. Maximum height of freestanding signs shall not exceed eight feet (8) above the public sidewalk elevation;
  3. Signs shall reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors. Simple Pole Signs are discouraged because these do not incorporate features associated to buildings;
  4. No portion of any sign or supporting structure shall be located closer than five feet (5) to any property line, nor be located in such a manner as to constitute a hazard to pedestrian or impede appropriate line-of-sight for vehicular traffic;

5. No sign is permitted for frontages on local residential streets;
  6. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6) high. Addresses shall not be obscured by landscaping or other obstructions;
  7. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum width of five feet (5).
- G. Center ID Signs. In addition to the above, one (1) center identification sign per street frontage is permitted for integrated developments of five (5) or more separate units subject to the following:
1. The sign shall not exceed thirty (30) square feet per one hundred (100) lineal of street frontage on which the sign is located, provided, however, that the maximum sign area shall not exceed three hundred twenty (320) square feet per sign;
  2. No sign shall exceed the height of the building with which it is associated or the structure height limits of the zone;
  3. Signs shall reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials, styles and colors;
  4. No portion of any sign or supporting structure shall be located closer than five feet (5') to any property line, nor be located in such a manner as to constitute a hazard to pedestrian or impede appropriate line-of-sight for vehicular traffic;
  5. No sign is permitted for frontages on local residential streets;
  6. All freestanding signs shall include the address of the center in numerals and/or letters at least six inches (6) high. Addresses shall not be obscured by landscaping or other obstructions;
  7. All freestanding signs shall be located in a planter area not less than one hundred (100) square feet in area with a minimum width of five feet (5);
  8. All freestanding center identification signs shall be subject to the review and approval of the Director or designee subject to the provisions of Chapter VII, Section 17.01.710, Development and Design Review.
- H. Reserve.
- I. Small suspended or projecting signs may be permitted in addition to provisions of Subsections D, F, G, and H, subject to the following:
1. A maximum of one (1) such sign per building frontage is permitted provided that it is perpendicular to the main face of the building and suspended from a canopy or projects not more than three feet (3) from the building face;
  2. Signs shall not exceed two (2) square feet in area and shall have a minimum ground clearance of eight feet (8);
  3. All such signs shall be non-energized and non-electrical.
- J. Freeway Identification Signs. Signs oriented to freeway traffic shall be permitted subject to the following limitations:

1. Signs Permitted Within Six Hundred Sixty Feet from the Edge of the Right-of-Way of an Interstate or Primary Highway (types). No signs or advertising displays shall be placed or maintained within six hundred sixty feet from the edge of the right-of-way of an interstate or primary highway, except as follows:
  - a. Signs or advertising displays that are not freeway-oriented, and that conform in all other respects to the provisions this chapter setting out types of signs permitted, may be permitted as freestanding signs (pole or monument) and wall or building face signs only;
  - b. All freeway-oriented signs shall be approved in accordance with Section 17.01.1119.(J).(2) of this Chapter;
  - c. Signs erected by local government to direct traffic to roadside or community business areas. Pole or freestanding signs may be utilized for this use; and
  - d. Signs required by law, including legal notices or advertisements prescribed by law or posted by any lawful officer or agent, are allowed without permit, so long as they conform to the law requiring their posting or display
  - e. Properties containing such signs shall be adjacent to a freeway or a freeway ramp;
2. Signs Permitted Within Six Hundred Sixty Feet from the Edge of the Right-of-Way of an Interstate or Primary Highway. All freeway-oriented signs within six hundred and sixty feet of a freeway right-of-way shall be processed in accordance with this section. A sign application shall be submitted and the required fees paid. Some freeway-oriented signs may be approved by the Director and others may be approved by the Planning Commission, as described in the following sections.
  - a. The Director may approve subject to the provisions of Chapter VII, Section 17.01.710, "Development & Design Review Procedures freeway-oriented freestanding and building face or wall signs as follows:
    1. If the commercial development, as defined in Section 17.01.1104 of this Chapter, is less than two acres in size, a freestanding sign may be permitted up to a maximum height of thirty-five (35) feet;
    2. If the commercial development is two acres or more in size, a freestanding sign may be permitted up to a maximum height of forty-five (45) feet;
    3. Regardless of the permitted height, total sign area shall not exceed thirty (30) square feet per one-hundred (100) lineal feet of freeway frontage, provided, however, that the maximum sign area shall not exceed one hundred fifty (150) square feet;
    4. Said sign shall be located in a planter area not less than fifty square feet (50 sf.) with one dimension being at least five feet (5).

5. In no case may the total number of freestanding signs, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
  6. Freeway-oriented building face or wall signs shall be limited to a maximum sign area of one and one half (1.5) square feet for each lineal foot of building face or wall directed toward the freeway of the building floor area occupied by the applicant.
- b. The Planning Commission may approve freeway-oriented freestanding signs as follows:
1. If the commercial development is two (2) acres or more in size, a freestanding sign greater than forty-five (45) feet in height may be granted by conditional use permit if it can be shown that a greater height is necessary in order to gain adequate identification. Such showing shall include a comparison (line-of-sight analysis) of the elevation of the site and the elevation of the adjacent freeway including off-ramps and accessory freeway features;
  2. Regardless of the permitted height, total sign area shall not exceed forty (40) square feet per one hundred (100) lineal feet of freeway frontage, provided, however, that the maximum sign area shall not exceed three hundred twenty (320) square feet per sign;
  3. In no case shall the total number of freestanding signs, or monument, freeway-oriented or not, exceed the total number of street and freeway frontages; and
- K. Temporary window signs, including signs painted on windows shall be permitted subject to the regulations for temporary window signs set out in Section 17.01.1117.(F).(1) through (5).
- L. Signs for gasoline dispensing establishments shall comply with the provisions of Section 17.01.1122.

**Section 17.01.1120 - Signs in the Callexico Downtown District (CS Zone).** All signs within the boundaries of the Callexico Downtown Design and Implementation Program - Study Area shall comply with regulations pursuant to Section 3.4, "Signage Standards," of said Program.

**Section 17.01.1121 - Signs in the Industrial Zones.** The following regulations shall apply to all signs and outdoor advertising structures in the "I" & "IR" Zones:

- A. All signs shall require a permit and shall be subject to the review and approval of the Planning Division;
- B. No sign shall be permitted that does not pertain directly to an approved business conducted on the premises;
- C. All signs, except those provided for in Section 17.01.1117, Temporary Advertising Devices, shall be permanent in nature and shall be consistent with and reflect the architectural design of the building with which they are associated, and shall incorporate unifying features such as materials;
- D. Wall Sign Ration 1:1. The total sign area permitted per building frontage shall not exceed

one (1) square foot per linear building frontage on which the sign is located subject to the following:

1. Maximum size of any sign shall be one-hundred (100) square feet;
  2. Building frontages may not be combined to permit a larger sign on any one building frontage;
  3. Signs shall be attached to the building or canopy, parallel to the building face. No portion of any sign or its supporting structure may project more than six inches (6) from the face of the building or structure to which it is attached;
- E. Sign Program Requirement. Businesses in an integrated development as defined in this Chapter, shall be required to submit for review & approval a Uniform Sign Program approved by the Director. The purpose of the sign program is to develop a cohesive and consistent design theme for all proposed sign types taking into consideration the layout of the proposed development and identifying unique advertizing needs for the end users. All signs within an integrated development shall comply with the established Sign Program regulations and subject to Section 17.01.1105 (Permit Required).
- F. Freestanding Signs. In addition to the above, businesses in a separate building and occupying the entire building area on a parcel with a street frontage of at least one hundred feet (100) on one street may be permitted a freestanding monument sign subject to the following:
1. Sign area per street frontage shall not exceed 20 square feet per 100 lineal feet of the street frontage on which the sign is located, provided, however, that no one sign shall exceed sixty (60) square feet;
  2. Maximum height of the sign shall not exceed six feet (6) in height;
  3. No portion of any sign or supporting structure shall be located closer than five feet (5) to any property line, not be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic;
  4. No sign is permitted for frontages on local residential streets;
  5. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6) high. Addresses shall not be obstructed by landscaping or other obstructions;
  6. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum width of five feet (5).
- G. In addition to the above, one center identification sign per street frontage is permitted for integrated developments of five or more separate units subject to the same regulations stipulated in Section 17.01.1119.(G).
- H. Freeway Identification Signs. Shall comply with the provisions of Section 17.01.1119.(J) of this Chapter.
- I. Signs for gasoline dispensing establishments shall comply with the provisions of Section 17.01.1122.

**Section 17.01.1122- Signs for Gasoline Dispensing Establishments "Gas Stations".** The following regulations shall apply to all signs and advertising structures for service stations, including mini-markets or similar associated uses:

- A. One freestanding sign per street frontage may be permitted subject to the following:
1. Sign area shall not exceed twenty (20) square feet per one hundred (100) lineal feet of street frontage, plus twenty-four (24) square feet. Price signing shall be included within this sign area;
  2. Maximum height of the sign shall not exceed six feet (6) above the adjacent public sidewalk;
  3. Signs shall reflect the architectural design of the building with which they are associated and shall incorporate unifying features such as materials;
  4. Street frontages may not be combined to permit a larger sign on any frontage;
  5. All freestanding signs shall include the address of the business in numerals and/or letters at least six inches (6) high. Addresses shall not be obstructed by landscaping or other obstructions;
  6. All freestanding signs shall be located in a planter area not less than fifty (50) square feet in area and with a minimum of five feet (5).
- B. The total sign area of all wall signs per building frontage shall not exceed one (1) square foot per lineal foot of building frontage on which the sign is located;
- C. Signs above pump and pump islands shall be limited to directions for use of pumps and payments, or other signs required by state regulations, and sign area shall not exceed a total of ten (10) square feet per pump island;
- D. Temporary window signs, including signs painted on windows shall be permitted subject to the regulations for temporary window signs set out in Section 17.01.1117.(F).(1) through (5).
- E. Temporary advertising signs may be permitted subject to the provisions of Section 17.01.1116, Temporary Advertising Devices.

**Section 17.01.1123 - Signs in Open Space Zones.** Except as provided in Section 17.01.1108, Exceptions, all signs in Open Space and Recreational Areas shall be subject to review and approval of the Planning Commission, which shall consider the special circumstances of these zones, including special hazards and overly zones which may be associated with them. Generally, the regulations set forth in Section 17.01.1119, Signs in Commercial Zones, shall be used as guidelines for signs in these districts."

**SECTION 6.** This ordinance shall take effect thirty (30) day after the date of its passage and adoption.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion hereof, irrespective of that fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional

**SECTION 8.** The city clerk shall certify to the adoption of this Ordinance and shall cause this ordinance, or a summary thereof, to be published as required by law.



**PASSED, ADOPTED, AND APPROVED** by the City Council of the City of Calexico at the regular meeting this 20<sup>th</sup> day of July, 2010.

CITY OF CALEXICO  
CITY COUNCIL

\_\_\_\_\_  
John Moreno, Mayor

ATTEST:  
Lourdes Cordova  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer M Lyon, City Attorney

STATE OF CALIFORNIA     )  
CITY OF CALEXICO        )     ss.  
COUNTY OF IMPERIAL    )

I, Lourdes Cordova, City Clerk of the City of Calexico, and ex-officio Clerk of the City Council do hereby certify under the penalty of perjury, that the foregoing Ordinance No. 1120, was duly and regularly introduced at the regular meeting of said City Council held on July 20, 2010 and was adopted by the City Council at a meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2010, and that it was so adopted by the following vote:

ROLL CALL:           AYES:  
                          NOES:  
                          ABSENT:  
                          ABSTAIN:

\_\_\_\_\_  
Lourdes Cordova, City Clerk